

KIP EVAN STEINBERG

CERTIFIED SPECIALIST • IMMIGRATION & NATIONALITY LAW • THE STATE BAR OF CALIFORNIA BOARD OF LEGAL SPECIALIZATION

ERIC W. RATHHAUS

January 26, 2008

USCIS

District Director Rosemary Melville
630 Sansome Street
San Francisco, CA 94111

U.S. Department of Homeland Security
National Records Center
Director T. Diane Cejka
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: Notification of Breach of Settlement Agreement
***Mayock v. I.N.S.* (Civil No. C-85-5169-CAL)**

Mirsad Hajro NRC2007075364

Dear Ms. Melville and Ms. Cejka:

This office represents Mr. James Mayock and Mr. Mirsad Hajro.

I

Please consider this letter as notification of breach of the settlement agreement in *Mayock v. I.N.S.* (Civil No. C-85-5169-CAL). This letter is sent pursuant to paragraph 10 of said agreement. A copy of the settlement agreement is attached to this letter.

Mr. Mayock was the plaintiff in *Mayock v. I.N.S.*, 714 F. Supp 1558 (N.D. Cal.1989), a case which involved litigation under the Freedom of Information Act. As a result of the litigation in that case, Plaintiff Mayock entered into a settlement agreement with the Department of Justice on May 22, 1992. Under the terms of the settlement agreement:

A (FOIA) requestor who demonstrates, consistent with applicable guidances and law, an "exceptional need or urgency", shall have his/her request processed out of turn on an "expedited" basis. The currently applicable guidance...provides that the FOIA offices are to grant such treatment when the requestor demonstrates that:

LAW OFFICES OF KIP EVAN STEINBERG

Courthouse Square • 1000 Fourth Street • Suite 600 • San Rafael, California 94901

Tel: 415.453.2855 • Fax: 415.456.1921

kip@steinberg-immigration-law.com • eric@steinberg-immigration-law.com

www.steinbergimmlaw.com

EXHIBIT D

25

a. an individual's life or personal safety would be jeopardized by the failure to process a request immediately; or

b. substantial due process rights of the requestor would be impaired by the failure to process immediately, and the information sought is not otherwise available.

Procedures for Expedited Processing

A request for expedited processing which demonstrates either of the above circumstances shall be processed immediately.

A request which fails to meet the above criteria shall be denied expedited processing and shall be processed on the appropriate track. A requestor must be notified in writing of the decision not to grant the request for expedited treatment, and advised of his/her right and the procedures to appeal the decision...

USCIS currently has a multi track processing for FOIA requests with three tracks: *Track One*: Routine requests; *Track Two*: Complex inquiries that normally necessitate additional search and review time; *Track Three*: Requests by individuals scheduled for a hearing before an immigration judge.

USCIS' current multi track policy allows expedited processing only in cases for aliens scheduled for a hearing before an immigration judge. This violates the settlement agreement in that it does not provide a procedure for a requestor to demonstrate that either A) their life or personal safety would be jeopardized by the failure to process a request immediately or B) substantial due process rights would be impaired by the failure to process immediately in cases other than immigration judge hearings. Examples of such cases include, but are not limited to, Section 336 appeals of denials of citizenship, AAO appeals, BIA appeals, and persons with final orders of deportation.

In addition, to being a breach of the settlement agreement, it is our contention that the current procedures USCIS utilizes to respond to FOIA requests violate the 20 day response time set forth in 5 U.S.C. §552(a)(6)(A) and 6 C.F.R. §5.6(b). This 20 day period was recently reconfirmed by Congress in Section 6 of the "Openness Promotes Effectiveness in our National Government Act of 2007" signed by President Bush on December 31, 2007.

II

For example, in a case arising out of the San Jose sub-office, Mirsad Hajro (A77 428 444) applied for naturalization on November 6, 2003. The application

was denied on October 9, 2007 for lack of good moral character based on alleged evidence in his alien registration file. Mr. Hajro filed a Section 336 appeal of this decision on or about November 9, 2007 and requested a hearing.

Mr. Hajro then filed a FOIA request for a copy of his alien registration file on November 19, 2007 and specifically requested "Track Three" expedited processing pursuant to the settlement agreement. The FOIA request was accompanied by a letter from his lawyer which explained how Mr. Hajro qualified for expedited processing under the terms of the settlement agreement.

On November 19, 2007 the National Records Center issued a letter denying Mr. Hajro's request for expedited processing because Mr. Hajro is not scheduled for a hearing before an immigration judge. On the same day, the National Records Center issued another letter acknowledging receipt of Mr. Hajro's FOIA request and placing it on the "complex track". His case number is NRC2007075364.

The denial of expedited processing of Mr. Hajro's FOIA request violates the settlement agreement for two reasons: 1) Mr. Hajro demonstrated that substantial due process rights (i.e. the right to a fair hearing under Sec. 336) would be impaired without access to the evidence used to deny his citizenship application and 2) the denial failed to advise Mr. Hajro of his right or any procedures to appeal the decision.

In addition, it is our belief that 6 C.F.R. §5.5(d) violates the settlement agreement in that this regulation governing USCIS' processing of requests for expedited processing does not provide an opportunity to demonstrate that substantial due process rights of the requestor would be impaired by the failure to process immediately, and the information sought is not otherwise available.

Finally, please be advised that it is our intention to file a lawsuit challenging these policies and procedures as violating the settlement agreement unless USCIS takes action to resolve these concerns in the next 30 days. In addition, the lawsuit will challenge the current pattern or practice of USCIS of taking approximately eighteen months to respond to FOIA requests as it exceeds the 20 day time limit set forth in the law.


Very truly yours,

Kip Evan Steinberg

UNITED NATIONS AMERICA

Receipt with Exception			NOTICE DATE November 12, 2003
CASE TYPE N400 Application For Naturalization			INS AP A 077 428 444
APPLICATION NUMBER LIN*000603000	RECEIVED DATE November 06, 2003	PRIORITY DATE November 06, 2003	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS MIRSAD HATRO #119 1180 GRAND AVE BOISE ID 83702	PAYMENT INFORMATION: Single Application Fee: \$310.00 Total Amount Received: \$310.00 Total Balance Due: \$0.00
--	--



The above application has been received by our office and is in process, but has been noted with one or more of the following exception(s):

Missing Evidence(s) - your application was missing evidence(s) that you will need to provide at the time of your naturalization interview. You will be notified under separate notice of the necessary evidence(s) that you will be required to bring to your interview. Do not submit any evidence(s) by mail.

Our records indicate your personal information is as follows:

Date of Birth: January 18, 1975
 Address Where You Live: 1180 GRAND AVE # 119
 BOISE ID 83702

Please verify your personal information listed above and immediately notify our office at the address or phone number listed below if there are any changes.

You will be notified of the date and place of your interview when you have been scheduled by the local INS office. You should expect to be notified within 365 days of this notice.

IMPORTANT NOTICE: All naturalization applicants who were between the ages of 14-75 at the time of filing must have their fingerprints taken at an INS Application Support Center (ASC) so they can be submitted to the Federal Bureau of Investigation for a criminal history check. If we received your application without a fingerprint card (FD-258), or your fingerprint card was received on or after December 3, 1997, you will need to go to an ASC to be fingerprinted. Do not have your fingerprints taken anywhere else. You will receive a notice that will provide you with information about when and where to go to have your fingerprints taken, and what you will need to bring with you. Please inform the office listed below immediately of any address changes.

If you have any questions or comments regarding this notice or the status of your case, please contact our office at the below address or customer service number. You will be notified separately about any other cases you may have filed.

If you have other questions about possible immigration benefits and services, filing information, or INS forms, please call the INS National Customer Service Center (NCSC) at 1-800-375-5283. If you are hearing impaired, please call the NCSC TDD at 1-800-767-1833.


If you have access to the Internet, you can also visit INS at www.ins.usdoj.gov. Here you can find valuable information about forms and filing instructions, and about general immigration services and benefits. At present, this site does not provide case status information.

INS Office Address: US IMMIGRATION AND NATURALIZATION SERVICE PO BOX 87400 LINCOLN NE 68501-	INS Customer Service Number: (800) 375-5283
---	--

APPLICANT COPY

EXHIBIT E

28



EINS000561077

SCOTT N. SCHOOLS, SC SBN 9990
United States Attorney
JOANN M. SWANSON, CSBN 88143
Assistant United States Attorney
Chief, Civil Division
ILA C. DEISS, NY SBN 3052909
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
Telephone: (415) 436-7124
FAX: (415) 436-7169

Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIRSAD HAJRO,

Plaintiff,

v.

ALBERTO GONZALES, United States
Attorney General;
MICHAEL CHERTOFF, Secretary of the
Department of Homeland Security;
EMILIO GONZALEZ, Director of United States
Citizenship and Immigration Services;
ROBERT S. MUELLER, Director of Federal
Bureau of Investigation;
DONALD NEUFELD, Director of the United
States Citizenship and Immigration Services,
California Service Center,

Defendants.

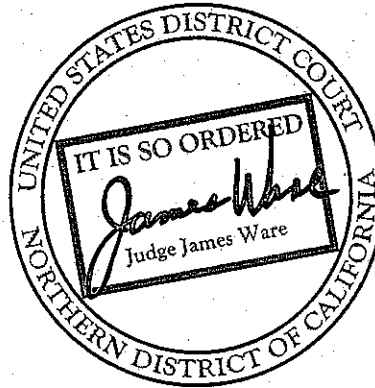
No. C 06-7827 JW

**STIPULATION FOR REMAND and
DISMISSAL; and ~~PROPOSED~~ ORDER**

This case is an action for a judicial hearing on Plaintiff's application for Naturalization. Plaintiff alleges a delay by U.S. Citizenship and Immigration Services ("USCIS") in adjudicating that application. *See* INA § 336(b), 8 U.S.C. § 1447(b).

The parties have been advised that the necessary name check and FBI background check investigations have been completed, and that USCIS is now ready to complete the adjudication and issue a decision on the Plaintiff's application for Naturalization. Therefore, the parties HEREBY STIPULATE AND AGREE that:

Stipulation for Remand and Dismissal
C 06-7827 JW



29

EXHIBIT

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1 (1) Plaintiff's naturalization application is REMANDED to U.S. Citizenship and Immigration
2 Services for adjudication of, and issuance of a decision on, said application within 45 days
3 after entry of this Order;

4 (2) This action is DISMISSED without prejudice and without costs or fees upon issuance of a
5 decision by U.S. Citizenship and Immigration Services; and

6 (3) The Court shall retain jurisdiction to enforce the terms of this stipulation.

7 Date: August 23, 2007

Respectfully submitted,

8 SCOTT N. SCHOOLS
United States Attorney

9
10 /s/
ILA C. DEISS
11 Assistant United States Attorney
Attorneys for Defendants

12
13 Date: August 24, 2007

/s/
14 MIRSAD HAJRO
Pro se

15 **ORDER**

16 Pursuant to stipulation, IT IS SO ORDERED. The Clerk shall close this file.

17
18 Date: August 30, 2007

James Ware
19 JAMES WARE
United States District Judge

U.S. Department of Homeland Security
1887 Monterey Road
San Jose, CA 95112



U.S. Citizenship
and Immigration
Services

OCT 09 2007

Mirsad Hajro
316 South 11th Street, #1
San Jose, California 95112

Alien File Number: A077428444
N-400 Application ID No.: LIN*000603000

DECISION

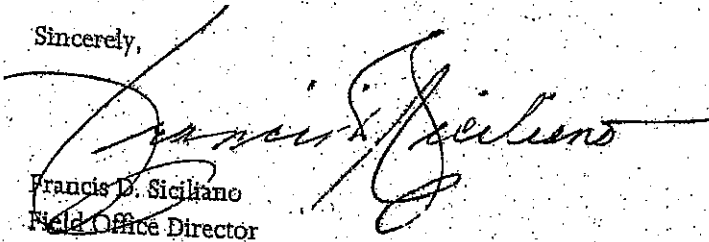
On November 6, 2003, you filed an application for naturalization in accordance with Section 319(a) of the Immigration and Nationality Act. On March 4, 2004, you appeared for an examination of your application for naturalization. On September 26, 2007, you were again interviewed regarding your application for naturalization.

Pursuant to the investigation and examination of your application it is determined that you are ineligible for naturalization for the following reason(s):

See Attachment(s)

If you desire to request a review hearing on this decision pursuant to Section 336(a) of the Act, you must file a request for a hearing within 30 days of the date of this notice (33 days if received by mail). If no request for hearing is filed within the time allowed, this decision is final. A request for hearing may be made to the Field Office Director, with the Citizenship and Immigration Services office that made the decision, on Form N-336, **Request for a Hearing on a Decision in Naturalization Proceedings Under Section 336 of the Act**, together with the appropriate fee at the time of filing. (Please refer to our website www.uscis.gov for the appropriate fee.) A brief or other written statement in support of your request may be submitted with the Request for Hearing.

Sincerely,


Francis D. Siciliano
Field Office Director

Enclosure: Form N-336

(31)

EXHIBIT G

Form N-335

Attachment(s) to Form N-335

Applicant: Mirsad Hajro
 Application for Naturalization, Form N-400
 Alien Number: A 077428444

Pursuant to the investigation and examination of your application it is determined that you are ineligible for naturalization for the following reason(s):

On November 6, 2003, you applied for naturalization under Section 319(a) of the Immigration and Nationality Act, as amended, herein the Act. On March 4, 2004 and September 26, 2007, you were interviewed by an officer of the Citizenship and Immigration Services, herein the Service, to determine your eligibility for naturalization. You were questioned under oath by the interviewing officer about your answers provided on your N-400 Application. You were also questioned about your service during the war in Bosnia, and you testified to the following: that you served in the army for about six months; that you were drafted in September 1994, and had your training in Zenica; that you had to patrol the streets in your neighborhood; that you got sick during training so they put you in the 16th Division as a clerk; that your duties involve typing letters from the commanders and taking them to communications for encryption.

A review of your record reveals, however, that on November 13, 2000, you were interviewed by an officer of the Service regarding your Form I-485, Application to Register Permanent Residence or Adjust Status. During that interview, you were questioned under oath by the interviewing officer about your answers provided on your I-485 application, Part 3.C, Foreign Military Service. You indicated that you had no foreign military service. Clearly this record indicates that your testimony was not truthful and failed to reveal an accurate image of your past activities in your home country.

Section 316 (a) of the Act states in pertinent part:

"No person...shall be naturalized unless such applicant during the five years immediately preceding the date of filing his application...has been and still is a person of good moral character..."

Title 8, Code of Federal Regulations (8 C.F.R.), part 316.10(b)(2)(vi) states:

"An applicant shall be found to lack good moral character if during the statutory period the applicant has given false testimony to obtain any benefit from the Act, if the testimony was made under oath or affirmation and with an intent to obtain an immigration benefit."

You failed to provide truthful testimony about your foreign military service. By not admitting to serving in the military service in Central Bosnia during the war, this material omission cut off a highly relevant line of questioning that directly related to your admissibility to the United States as a lawful permanent resident. This material misrepresentation occurred during the required time period needed to show good moral character for your naturalization eligibility. Therefore, the Service cannot make a determination that you are a person of good moral character, as required under Section 316(a) of the Act and 8 CFR 316.10(b)(2).

Inasmuch as you have failed to establish that you are a person of good moral character, your application must be and hereby is denied. This decision is made without prejudice toward the filing of a new application in the future.

32

Department of Homeland Security
U.S. Citizenship and Immigration Services

**N-336, Request for a Hearing on a
Decision in Naturalization Proceedings
(Under Section 336 of the INA)**

For USCIS Only	
Decision: <input type="checkbox"/> Grant <input type="checkbox"/> Denial	Fee:
1. In the Matter of: (Name of Naturalization Applicant) Mirsad Hajro	File Number: A- A077 428 444

2. I am filing a request for hearing on the decision dated:

10/09/2007

3. Please check the one block that applies:

a. ☐ I am not submitting a separate brief, statement or evidence.

b. ☐ I am submitting a separate brief, statement and/or evidence with this form.

c. ☒ I need 30 days to submit a brief, statement and/or evidence

to the USCIS. (May be granted only for good cause shown. Explain in a separate letter.) *SEE ADDENDUM.*

4. Person filing request: Kip Evan Steinberg on behalf of Mirsad Hajro

Name (Type or print in black ink.)

Law Offices of Kip Evan Steinberg

Address (Street Number and Name)

(Apt. Number)

1000 Fourth Street, Suite 600

(City)

(State)

(Zip Code)

San Rafael

CA

94901

Signature

Date (mm/dd/yyyy)

11/06/2007

☒ I am an attorney or representative and I represent the applicant requesting a hearing on a naturalization proceeding. [You must attach a Notice of Entry or Appearance (Form G-28) if you are an attorney or representative and did not previously submit such a form.]

(Person for whom you are appearing)

Mirsad

Hajro

5. Briefly state the reason(s) for this request for a hearing:

Our brief will demonstrate that the applicant did not give false testimony on November 13, 2000 and did not make a material misrepresentation during the required time period to show good moral character.

Addendum to N-336, Item 3, Good Cause Explanation

I have just been retained to represent Mirsad Hajro in this matter. I am requesting a period of 30 days beyond the date I receive a copy of my client's file from USCIS to submit a brief. I need a copy of the file in order to prepare the brief.

Please be advised that I have submitted a request under the Freedom of Information Act to obtain a copy of the file on an expedited basis under the terms of the settlement agreement reached in *Mayock v. INS*, Case No. C-85-5619-Cal (N.D. Cal. May 22, 1992). This agreement allows expedited treatment for a requestor who demonstrates that substantial due process rights of the requestor would be impaired by the failure to process immediately and the information sought is not otherwise available. For this reason I am respectfully requesting 30 days beyond the date I receive a copy of the file from USCIS.

Department of Homeland Security
U.S. Citizenship and Immigration Services

**G-639, Freedom of Information/
Privacy Act Request**

**REQUEST FOR
EXPEDITE**

NOTE: The completion of this form is optional. Any written format for Freedom of Information or Privacy Act requests is acceptable.

START HERE - Please type or print in black ink. Read instructions before completing this form.

1. Type of Request: (Check appropriate box)

- ☒ Freedom of Information Act (FOIA). (Complete all items except Number 6.)
☐ Privacy Act (PA). (Number 6 must be completed in addition to all other applicable items.)
☐ Amendment. (PA only. Number 5 must be completed in addition to all other applicable items.)

2. Requester Information:

Name of Requester: (Last, First and Middle Names) Kip Evan Steinberg		Date (mm/dd/yyyy) 11/08/2007	Daytime Telephone: 415-453-2855
Address (Street Number and Name): 1000 Fourth Street, Suite 600		Apt. Number:	
City: San Rafael	State: CA	Zip Code: 94901	


By my signature, I consent to the following:

Pay all costs incurred for search, duplication, and review of materials up to \$25.00, when applicable. (See Instructions.)

Signature of requester:

☐ Deceased Subject - Proof of death must be attached. (Obituary, Death Certificate or other proof of death required.)

3. Consent to Release Information. (Complete if name is different from Requester) (Numbers 7 and 8 must be completed)

Print Name of Person Giving Consent: Mirsad Hajro	Signature of Person Giving Consent (Original signature required.) 
---	---

By my signature, I consent to the following: (Check applicable boxes)

- ☒ Allow the Requester named in Number 2 above: ☒ All of my records, or ☐ A portion of my records. (If a portion, specify below what part, i.e. copy of application.)

(Consent is required for records of U.S. citizens (USC) and Lawful Permanent Residents (LPR).)

4. Information needed to search for record(s).

Specific information, document(s), or record(s) desired: (Identify by name, date, subject matter and location of information.)

Copy of complete file including all electronic records and FBI name check

Purpose: (Optional: You are not required to state the purpose for your request. However, doing so may assist USCIS to locate the records needed to respond to your request.)

legal representation

5. Data Needed on Subject of Record. (If data marked with an asterisk (*) is not provided, records may not be located.)

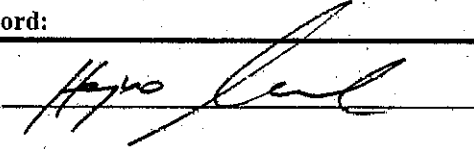
* Family Name Hajro	Given Name: Mirsad	Middle Name:	
* Other names used, if any:	* Name at time of entry into the U.S.: Mirsad Hajro	I-94 Admissions #:	
* Alien Registration Number: A077 428 444	* Petition or Claim Receipt #:	* Country of Birth: Bosnia-Herzegovina	* Date of Birth (mm/dd/yyyy) 01/18/1975
Names of other family members that may appear on requested record(s) (i.e., Spouse, Daughter, Son):			
Father's Name	First	Middle	Last
Kasim			Hajro
Mother's Name	First	Middle	Last (Include Maiden Name)
Adaleta			Becar

35

EXHIBIT

Country of Origin: <i>(Place of Departure)</i> Bosnia-Herzegovina	Port-of-Entry Into the U.S.: Lincoln, Nebraska	Date of Entry: 11/13/00
Manner of Entry: <i>(Air, Sea, Land)</i> AOS	Mode of Travel: <i>(Name of Carrier)</i> n/a	U.S. Social Security Number: 519-57-0876
Name on Naturalization Certificate:	Certificate #:	Naturalization Date:
Address on Date of Naturalization:		Court and Location:

6. Verification of Subject's Identity: *(See Instructions for explanation. Check one Box.)*
☒ In-Person With ID ☐ Notarized Affidavit of Identity ☐ Other *(Specify)* _____

7. Signature of Subject of Record:
(Original signature required)


Date: 11/06/07

Telephone No.: 408-298-5453

8. Notary: *(Normally needed from persons who are the subject of the records sought or for a sworn declaration under penalty of perjury. See below.)*

Subscribed and sworn to before me this _____ Day of _____ in the Year _____

Signature of Notary _____ My Commission Expires on _____

OR

NOTE: *If a declaration is provided in lieu of a notarized signature, it must state at a minimum the following: (Include Notary Seal or Stamp in the appropriate space below.)*
Executed outside U.S.

If executed outside the United States: "I declare (certify, verify or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: _____

Executed in U.S.

If executed within the United States, its territories, possessions, or commonwealths: "I declare (certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Signature: 

(Seal/Stamp)

(Seal/Stamp)

KIP EVAN STEINBERG

CERTIFIED SPECIALIST • IMMIGRATION & NATIONALITY LAW • THE STATE BAR OF CALIFORNIA BOARD OF LEGAL SPECIALIZATION

ERIC W. RATHHAUS

November 7, 2007

National Records Center
FOIA Unit
P.O. Box 648010
Lee's Summit, MO 64064-8010

Re: "TRACK THREE" REQUEST FOR EXPEDITE
Mirsad Hajro
File No. A77 428 444

Dear Sir or Madam:

Please consider this a request for Expedited Processing of the above named individual's FOIA request under the terms of the national settlement agreement in *Mayock v. INS*, Case No. C-85-5619-Cal (N.D. Cal. May 22, 1992).

As you know, this agreement allows for expedited treatment for a requestor who demonstrates that substantial due process rights of the requestor would be impaired by the failure to process immediately and the information sought is not otherwise available. For the following reasons, my client qualifies for expedited processing:

My client has filed a Request for a Hearing on a Decision in Naturalization Proceedings under Section 336 of the Immigration & Nationality Act. I am attaching a copy of the Request for Hearing (Form N-336) and the October 9, 2007 decision denying my client's naturalization application. I need a copy of my client's alien registration file in order to prepare a brief in support of this administrative appeal. Substantial due process rights of my client would be impaired by the failure to process this FOIA request immediately, since the brief cannot be adequately be prepared without reviewing the documents in my client's file. These include documents upon which the denial was based. This information is not otherwise available. Thank you for attention to this matter.

Very truly yours,

Kip Evan Steinberg
encl.

cc: Mirsad Hajro

LAW OFFICES OF KIP EVAN STEINBERG

Courthouse Square • 1000 Fourth Street • Suite 600 • San Rafael, California 94901

Tel: 415.453.2855 • Fax: 415.456.1921

kip@steinberg-immigration-law.com • eric@steinberg-immigration-law.com

www.steinbergimmlaw.com

EXHIBIT

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37

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010

RECEIVED



U.S. Citizenship
and Immigration
Services

November 19, 2007

NOV 30 2007

NRC2007075364

Kip Evan Steinberg
Attorney at Law
1000 Fourth Street, Suite 600
San Rafael, CA 94901

LAW OFFICES OF
KIP EVAN STEINBERG

Dear Kip Evan Steinberg:

This letter is in response to your request for expedited treatment regarding the subject: Mirsad Hajro. Your original Freedom of Information Act (FOIA) request was received on November 19, 2007.

Even though you have specified in your request that you would like your case processed as a Track 3 case, you did not comply with the requirements set forth in the Federal Register Notice and on our website. You must provide one of the documents below or your request will not be placed in Track 3.

- Form I-862, Notice to Appear
- Form I-122 Order to Show Cause
- Form I-863 Notice of Referral to Immigration Judge
- Written notice of the continuation of a scheduled hearing before the Immigration Judge

Cases in which an immigration judge has issued a final order or those in which an appeal of a decision has been filed with the Board of Immigration Appeals will not be eligible for Track 3. Individuals wishing to move their pending FOIA request to the new track must resubmit based on the above guidelines. Until such time as one of the documents listed above is received, your case will remain in its current track.

Sincerely,

T. Diane Cejka
Director

EXHIBIT K

38

U.S. Citizenship
and Immigration
Services

November 19, 2007

RECEIVED

NRC2007075364

NOV 30 2007

Kip Evan Steinberg
Attorney at Law
1000 Fourth Street, Suite 600
San Rafael, CA 94901LAW OFFICES OF
KIP EVAN STEINBERG

Dear Kip Evan Steinberg:

We received your request for information relating to Mirsad Hajro on November 19, 2007.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. § 552). It has been assigned the following control number: NRC2007075364. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 C.F.R. § 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. This is to inform you that your request has been placed in the complex track. Since your request is on the complex track, you may wish to modify it to identify a specific document(s), the exact information sought, and location if known. Upon receipt, we will reconsider your request for eligibility for the faster track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again. For individuals (i.e., non-attorneys) please call our office at 816-350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

100 copies per page of records are provided at no charge. If you request more than 100 copies, a charge of \$10.00 per page applies. Records are provided in the format requested. If you request a format not listed above, we will attempt to provide it. If we are unable to provide it, we will notify you. Records are provided in the format requested. If you request a format not listed above, we will attempt to provide it. If we are unable to provide it, we will notify you.

39

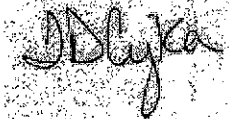
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NRC2007075364

Page 2

If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer, or call us at 816-350-5570, or fax any FOIA/PA related correspondence to 816-350-5785. If you have questions concerning the status of a pending Application or Petition or any other type of immigration matter, you must contact your local District Office or call the National Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any pending Applications or Petitions or any other type of immigration matter. You may also check the status of your FOIA request by e-mailing USCIS.FOIA@DHS.GOV.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Cejka", is written over a rectangular area of the document.

T. Diane Cejka
Director

EXHIBIT M

CLIENT "A" - "Simple Track" Filed 4-25-05 Processed March 9, 2006

CLIENT "B" - "Simple Track" Filed 12-19-05 Processed June 15, 2007

CLIENT "C" - "Simple Track" Filed 12-19-05 Processed June 15, 2007

CLIENT "D" - "Complex Track" Filed 8-28-06 Processed Feb. 1, 2008

CLIENT "E" - "Complex Track" Filed 9-29-06 Remains Pending

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010

RECEIVED
MAY 01 2005

LAW OFFICES OF
KIP EVAN STEINBERG



U.S. Citizenship
and Immigration
Services

April 25, 2005

NRC2005032604

Kip Evan Steinberg
Attorney at Law
1000 Fourth St., Ste. 600
San Rafael, CA 94901

CLIENT "A"

Dear Kip Evan Steinberg:

We received your request for information relating to [REDACTED] on April 25, 2005.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2005032604. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the simple track.

If you have further questions, please address your inquiry to this office, Attention: FOIA/PA Officer. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

Randall J. Hawkinson

Randall J. Hawkinson
Acting FOIA Officer

(41) (A)

EXHIBIT M

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

March 9, 2006

NRC2005032604

Kip Evan Steinberg
Attorney at Law
1000 Fourth St., Ste. 600
San Rafael, CA 94901

Dear Kip Evan Steinberg:

This is in response to your Freedom of Information Act (FOIA)/Privacy Act (PA) request received in this office April 25, 2005, regarding your client, [REDACTED]. We have completed the review of all documents and have identified one hundred forty-five (145) pages that are responsive to your request. Enclosed are one hundred thirty-two (132) pages in their entirety. We are withholding one (1) page in full pursuant to 5 U.S.C. 552a (d)(5) of the PA and 5 U.S.C. 552 (b)(5) of the FOIA. In our review of this page, we have determined that it contains no reasonable segregable portions of non-exempt information. We are withholding twelve (12) pages in part pursuant to 5 U.S.C. 552a (k)(2) of the PA and (b)(7)(C) and (b)(7)(E) of the FOIA. Please note you are receiving the best reproducible copies available. The basis for the redactions taken is as follows:

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (d)(5) permits the government to withhold all documents or information, which are compiled in reasonable anticipation of a civil action or proceeding. This extends to any records compiled in anticipation of civil proceedings, whether prepared by attorneys or lay investigators.

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We have withheld various information relating to third-party individuals. The types of documents and/or information withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

Exemption (k)(2) provides protection to investigatory material compiled for law enforcement purposes. The types of documents and/or information withheld in conjunction with (b)(7)(C) could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents relating to third party individuals that are considered personal.

Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

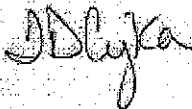
Exemption (k)(2) provides protection to investigatory material compiled for law enforcement purposes. The types of documents and/or information withheld in conjunction with (b)(7)(E) could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques and various other documents.

In the event you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Please be advised that the National Records Center does not process any type of petition/application or any other benefit under the Immigration and Nationality Act. Therefore, if you have any questions or wish to submit documentation relating to a pending petition/application or any other matter pending with the agency, you must address these issues with your nearest District Office.

If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at (816) 350-5570 or fax any correspondence to (816) 350-5785.

Sincerely,



T. Diane Cejka
Director

Enclosure(s)

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

CLIENT "B"

December 19, 2005

NRC2005123173

Kip Evan Steinberg
Attorney at Law
1000 Fourth St., Ste. 600
San Rafael, CA 94901

RECEIVED

JAN 03 2006

LAW OFFICES OF
KIP EVAN STEINBERG

Dear Kip Evan Steinberg:

We received your request for information relating to your client, [REDACTED] on December 19, 2005.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2005123173. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

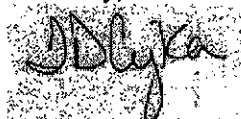
Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the simple track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers, except Apple brand, through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. Attorneys automatically receive CD's, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again. For individuals (i.e. non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

44

If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer, or call us at (816) 350-5570, or fax any FOIA/PA related correspondence to (816) 350-5785. If you have questions concerning the status of a pending Application or Petition or any other type of immigration matter, you must contact your local District Office or call the National Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any pending Applications or Petitions or any other type of immigration matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Cejka", is written over a rectangular area of the document that has been shaded with a stippled pattern.

T. Diane Cejka
Director

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

June 15, 2007

NRC2005123173

Kip Evan Steinberg
Attorney at Law
1000 Fourth St., Ste. 600
San Rafael, CA 94901

Dear Kip Evan Steinberg:

This is in response to your Freedom of Information Act (FOIA) request received in this office December 19, 2005, regarding your client: [REDACTED]

We have completed our search for records that are responsive to your request and have identified 79 pages. Enclosed are 64 pages in their entirety. We have withheld seven pages in part and eight pages in full pursuant to 5 U.S.C. 552 (b)(2), (b)(5) and (b)(7)(C) of the FOIA. In our review of these pages withheld in full, we have determined that they contain no reasonably segregable portions of non-exempt information. All documents provided are the best reproducible copies available.

Exemption (b)(2) provides protection for records that are related solely to the internal personnel rules and practices of an agency. The types of documents and/or information we have withheld under this exemption may relate to internal matters of a relatively trivial nature, such as internal personnel rules and practices which could consist of employee identification codes, computer login codes, policies regarding the use of parking facilities and breakrooms, employee leave policies and dress codes or internal matters of a more substantial nature, the disclosure of which would risk circumvention of a legal requirement, such as operating rules, guidelines and manuals of procedures for examiners or adjudicators.

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(7)(C) provides protection for personal information in law enforcement records which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld various information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

Please be advised that the National Records Center does not process any type of petition/application or any other benefits under the Immigration and Nationality Act. Therefore, if you have any questions or wish to submit documentation relating to a pending petition/application or any other matter pending with this agency, you must address these issues with your nearest District Office.

In the event you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

If you should have any additional question about your request, please direct your inquiries to this office at the above address. You may also call us at (816) 350-5570 or fax any correspondence to (816) 350-5785.

Sincerely,



T. Diane Cejka
Director

Enclosure (s)

47

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

December 19, 2005

CLIENT "C"

NRC2005123172

Kip Evan Steinberg
Attorney at Law
1000 Fourth St. Ste. 600
San Rafael, CA 94901

RECEIVED

JAN 03 2006

LAW OFFICES OF
KIP EVAN STEINBERG

Dear Kip Evan Steinberg:

We received your request for information relating to your client [REDACTED], on December 19, 2005.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2005123172. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

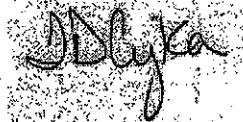
Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the simple track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers, except Apple brand, through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again. For individuals (i.e. non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

48

If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer, or call us at (816) 350-5570, or fax any FOIA/PA related correspondence to (816) 350-5785. If you have questions concerning the status of a pending Application or Petition or any other type of immigration matter, you must contact your local District Office or call the National Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any pending Applications or Petitions or any other type of immigration matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Cejka", is written over a rectangular area of the document.

T. Diane Cejka
Director

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

June 15, 2007

NRC2005123172

Kip Evan Steinberg
Attorney at Law
1000 Fourth Street, Ste. 600
San Rafael, CA 94901

Dear Kip Evan Steinberg:

This is in response to your Freedom of Information Act (FOIA)/Privacy Act (PA) request received in this office on December 19, 2005, regarding [REDACTED]

We have completed the review of all documents responsive to your request and have identified 97 pages, which are responsive to your request. Enclosed are 76 pages released in their entirety, and 15 pages* released in part. We are withholding 6 pages in full. In our review of these pages we have determined that they contain no reasonable segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions, which are exempt pursuant to Title 5 U.S.C. 552 (b)(2), (b)(5), (b)(6), and (b)(7)(C) of the FOIA.

- Exemption (b)(2) provides protection for records that are related solely to the internal personnel rules and practices of an agency. The types of documents and/or information that we have withheld under this exemption may relate to internal matters of a relatively trivial nature, such as internal personnel rules and practices which could consist of employee identification codes, computer login codes, policies regarding the use of parking facilities and breakrooms, employee leave policies and dress codes or internal matters of a more substantial nature, the disclosure of which would risk circumvention of a legal requirement, such as operating rules, guidelines and manuals of procedures for examiners or adjudicators.
- Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.
- Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.
- Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

We have withheld various information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

The enclosed record consists of the best reproducible copies available.

In the event you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, 111 Massachusetts Ave., NW, Washington, DC 20529, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Please be advised that the National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a pending application/petition or any other matter pending with this agency, you must address these issues with your nearest District Office.

If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at (816) 350-5570 or fax any correspondence to (816) 350-5785.

Sincerely,



T. Diane Cejka
Director

Enclosure(s)

RECEIVED
SEP 01 2006
LAW OFFICES OF
KIP EVAN STEINBERG



**U.S. Citizenship
and Immigration
Services**

August 28, 2006

NRC2006061058

Kip Evan Steinbert
Attorney at Law
1000 Fourth St., Suite 600
San Rafael, CA 94901

CLIENT "D"

Dear Kip Evan Steinbert:

We received your request for information relating to your client, [REDACTED], on August 28, 2006.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: NRC2006061058. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

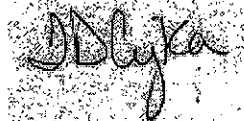
Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the complex track. Since your request is on the complex track, you may wish to modify it to identify a specific document(s), the exact information sought, and location if known. Upon receipt, we will reconsider your request for eligibility for the faster track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. **Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again.** For individuals (i.e. non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

52

If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer, or call us at (816) 350-5570, or fax any FOIA/PA related correspondence to (816) 650-5785. If you have questions concerning the status of a pending Application of Petition or any other type of immigration matter, you must contact your local District Office or call the National Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any pending Applications of Petitions or any other type of immigration matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Cejka", is written over a rectangular area of the document that has been shaded with a stippled pattern.

T. Diane Cejka
Director



U.S. Citizenship
and Immigration
Services

November 30, 2007

NRC2006061058

Kip Evan Steinberg
Attorney at Law
1000 Fourth St., Suite 600
San Rafael, CA 94901

Dear Kip Evan Steinbert:

This letter is in response to your status request, regarding the Freedom of Information Act request for information about the subject: [REDACTED] received on August 28, 2006.

Your request is currently number 5469 on the list of 77185 pending cases to be worked.

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

T. Diane Cejka
Director

RECEIVED

DEC 11 2007

LAW OFFICES OF
KIP EVAN STEINBERG

54

U.S. Citizenship
and Immigration
Services

February 1, 2008

RECEIVED

NRC2006061058

Kip Evan Steinberg
Attorney at Law
1000 Fourth St., Suite 600
San Rafael, CA 94901FEB 07 2008
LAW OFFICES OF
KIP EVAN STEINBERG

Dear Kip Evan Steinberg:

This is in response to your Freedom of Information Act (FOIA) request received in this office August 28, 2006, regarding the subject: [REDACTED]

We have completed the review of all documents responsive to your request and have identified 78 pages which are responsive to your request. Enclosed are 64 pages released in their entirety, and 10 pages released in part. We are withholding 4 pages in full. In our review of these pages we have determined that they contain no reasonable segregable portion(s) of non-exempt information. We have reviewed and have determined to release all information except those portions that are exempt pursuant to 5 U.S.C. § 552 (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E) of the FOIA.

The following exemptions are applicable:

Exemption (b)(5) provides protection for inter-agency or intra-agency memorandums or letters, which would not be available by law to a party other than an agency in litigation with the agency. The types of documents and/or information that we have withheld under this exemption may consist of documents containing predecisional information, documents or other memoranda prepared in contemplation of litigation, or confidential communications between attorney and client.

Exemption (b)(6) permits the government to withhold all information about individuals in personnel, medical and similar files where the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, drivers license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal.

Exemption (b)(7)(C) provides protection for personal information in law enforcement records, which could reasonably be expected to constitute an unwarranted invasion of personal privacy. We have withheld information relating to third-party individuals. The types of documents and/or information that we have withheld could consist of names, addresses, identification numbers, telephone numbers, fax numbers, or various other documents that are considered personal.

55

Exemption (b)(7)(E) provides protection for records or information for law enforcement purposes which would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law. The types of documents and/or information that we have withheld could consist of law enforcement systems checks, manuals, checkpoint locations, surveillance techniques, and various other documents.

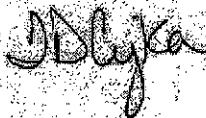
The enclosed record consists of the best reproducible copies available.

In the event you wish to appeal this determination, you may write to the USCIS FOIA/PA Appeals Office, FOIA Appeals Office, 150 Space Center Loop, Suite 500, Lee's Summit, MO 64064-2139, within 60 days of receipt of this letter. Both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

Please be advised that the National Records Center does not process petitions, applications or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with the bureau, you must address these issues with your nearest District Office.

If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,



T. Diane Cejka
Director

Enclosure(s)

56

U.S. Citizenship
and Immigration
ServicesRECEIVED
OCT 05 2006LAW OFFICES OF
KIP EVAN STEINBERG

NRC2006076008

September 29, 2006

Kip Evan Steinberg
Attorney At Law
1000 Fourth Street, Suite 600
San Rafael, CA 94901

CLIENT "E"

Dear Kip Evan Steinberg:

We received your request for information relating to your client, [REDACTED] on September 29, 2006.

Your request is being handled under the provisions of the Freedom of Information Act (5 U.S.C. 552). It has been assigned the following control number: **NRC2006076008**. Please cite this number in any further inquiry about this request.

In accordance with Department of Homeland Security Regulations (6 CFR 5.3(c)), your request is deemed to constitute an agreement to pay any fees that may be chargeable up to \$25.00. Fees may be charged for searching for records sought at the respective clerical, professional, and/or managerial rates of \$4.00/\$7.00/\$10.25 per quarter hour, and for duplication of copies at the rate of \$.10 per copy. The first 100 copies and two hours of search time are not charged, and the remaining combined charges for search and duplication must exceed \$14.00 before we will charge you any fees. Most requests do not require any fees; however, if fees in excess of \$25.00 are required, we will notify you beforehand.

Additionally, we respond to requests on a first-in, first-out basis and on a multi-track system. With this system we consider each request according to the complexity and volume so that requesters with a simple and quick response do not wait for extended periods of time while we review complex voluminous requests. Because of the nature of your request we have placed your request on the complex track. Since your request is on the complex track, you may wish to modify it to identify a specific document(s), the exact information sought, and location if known. Upon receipt, we will reconsider your request for eligibility for the faster track.

This office is now able to offer you the option of having your records copied to a Compact Disc (CD) for use on your personal computer. This option is an alternative to paper copies. The CD is readable on all computers through the use of Adobe Acrobat software. A version of Adobe Acrobat will be included on the CD. Your records can be viewed on your computer screen and can be printed onto paper. Only records 15 pages or more are eligible for CD printing. **Attorneys automatically receive CDs, unless they contact us to request paper copies. Once an attorney has requested paper copies, all future responsive records will be provided via paper – there is no need to call again.** For individuals (i.e. non-attorneys) please call our office at (816) 350-5570 to order your record on CD. Once you request your records on either CD or paper, all future records will be furnished in the format you have requested.

57

If you have any questions concerning your pending FOIA/PA request, please address them to this office, Attention: FOIA/PA Officer; or call us at (816) 350-5570 or fax any FOIA/PA related correspondence to (816) 350-5785. If you have questions concerning the status of a pending Application or Petition or any other type of immigration matter, you must contact your local District Office or call the National Customer Service Unit at 1-800-375-5283. The National Records Center cannot assist you concerning any pending Applications or Petitions or any other type of immigration matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Cejka".

T. Diane Cejka
Director

58



U.S. Citizenship
and Immigration
Services

July 24, 2007

NRC2006076008

Kip Evan Steinberg
Attorney At Law
1000 Fourth Street, Suite 600
San Rafael, CA 94901

RECEIVED

JUL 30 2007

LAW OFFICES OF
KIP EVAN STEINBERG

Dear Kip Evan Steinberg:

This letter is in response to your status request, regarding the Freedom of Information Act request for information about the subject: [REDACTED], received on September 29, 2006.

Your request is currently number 36119 on the list of 78000 pending cases to be worked.

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

T. Diane Cejka
Director

20070724

2007-07-24 01:15 PM FAX 816-350-5785

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 07-24-07 BY 60322 UCBAW/STP/STP

59



U.S. Citizenship
and Immigration
Services

November 30, 2007

Kip Evan Steinberg
Attorney At Law
1000 Fourth Street, Suite 600
San Rafael, CA 94901

NRC2006076008
RECEIVED

DEC 11 2007

LAW OFFICES OF
KIP EVAN STEINBERG

Dear Kip Evan Steinberg:

This letter is in response to your status request, regarding the Freedom of Information Act request for information about the subject: [REDACTED], received on September 29, 2006.

Your request is currently number 12496 on the list of 77183 pending cases to be worked.

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

T. Diane Cejka
Director

60

U.S. Department of Homeland Security
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

January 17, 2008

NRC2006076008

Kip Evan Steinberg
Attorney At Law
1000 Fourth Street, Suite 600
San Rafael, CA 94901

Dear Kip Evan Steinberg:

This letter is in response to your status request, regarding the Freedom of Information Act request for information about the subject: [REDACTED] received on September 29, 2006.

Your request is currently number 9480 on the list of 74939 pending cases to be worked.

We will answer your request as quickly as possible. If you should have any additional questions about your request, please direct your inquiries to this office at the above address. You may also call us at 816-350-5570 or fax any correspondence to 816-350-5785.

Sincerely,

T. Diane Cejka
Director

RECEIVED

JAN 22 2008

LAW OFFICES OF
KIP EVAN STEINBERG

(61)

KIP EVAN STEINBERG

CERTIFIED SPECIALIST • IMMIGRATION & NATIONALITY LAW • THE STATE BAR OF CALIFORNIA BOARD OF LEGAL SPECIALIZATION

ERIC W. RATHHAUS

December 23, 2007

Associate General Counsel (General Law)
Department of Homeland Security
Washington D.C. 20528

Re: FOIA Appeal
Mirsad Hajrol (A77 428 444)
File No. NRC2007075364

Dear Sir or Madam:

On behalf of my above named client, I filed a FOIA request on November 19, 2007. On November 30, 2007 we received the enclosed letters from the National Records Center. One letter acknowledged receipt of the FOIA request and placed it on the "complex track". (*Exhibit A*) The other letter denied our request for expedited processing. (*Exhibit B*) Please be advised that I consider this as an adverse decision and request that you consider this letter as an appeal. Pursuant to 5 U.S.C. §552(a)(6)(E), we are requesting expeditious consideration of this denial of expedited processing.

1. Appeal of Denial of Expedited Processing

We requested expedited processing of the above named individual's FOIA request under the terms of the national settlement agreement in *Mayock v. INS*, Case No. C-85-5619-Cal (N.D. Cal. May 22, 1992). A copy of our letter and the Settlement Agreement are attached to this letter. (*Exhibit C & D*)

The Settlement Agreement allows for expedited treatment for a requestor who demonstrates that substantial due process rights of the requestor would be impaired by the failure to process immediately and the information sought is not otherwise available. For the following reasons, my client qualifies for expedited processing:

My client has filed a Request for a Hearing on a Decision in Naturalization Proceedings under Section 336 of the Immigration & Nationality Act. I am attaching a copy of the Request for Hearing (Form N-336) (*Exhibit E*) and the October 9, 2007 (*Exhibit F*) decision denying my client's naturalization application. I need a copy of my client's alien registration file in order to prepare a brief in support of this administrative appeal. Substantial due process rights of my client would be impaired by the failure to process this

LAW OFFICES OF KIP EVAN STEINBERG

Courthouse Square • 1000 Fourth Street • Suite 600 • San Rafael, California 94901

Tel: 415.453.2855 • Fax: 415.456.1921

kin@steinberg-immigration-law.com • eric@steinberg-immigration-law.com

EXHIBIT

N

(62)

FOIA request immediately, since the brief cannot be adequately be prepared without reviewing the documents in my client's file. These include documents upon which the denial was based. This information is not otherwise available.

The denial of expedited processing violates the Settlement Agreement because my client has demonstrated that substantial due process rights will be impaired by the failure to process this FOIA request immediately.

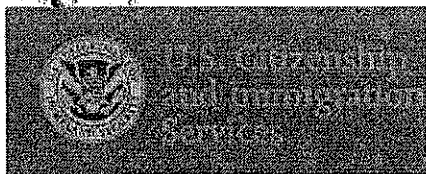
2. Appeal of Failure to Provide Requested Records in Twenty Days.

Failure to provide the requested records in twenty days violates 5 U.S.C. §552(a)(6)(A) and 6 C.F.R. §5.6(b). In addition the failure to notify my client of the "unusual circumstances" which prevents the agency from processing his request within the 20 day statutory limit and the failure to notify him of the date by which processing of his request can be expected to be completed violates 6 CFR § 5.5(c)(1).

Very truly yours,

Kip Evan Steinberg
encl.

cc: Mirsad Hajro



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Printer Friendly**FOIA****USCIS Freedom of Information Act (FOIA) and Privacy Act (PA) Contact:**

U.S. Citizenship and Immigration Services
 National Records Center, FOIA/PA Office
 P. O. Box 648010
 Lee's Summit, MO 64064-8010
 (816) 350-5570
 Fax (816) 350-5785
 uscis.foia@dhs.gov

Making a FOIA or PA request:

1. **To Request USCIS Records:** Unless otherwise noted below, mail or fax all requests for USCIS records, including alien files and procurement information, to the National Records Center at the address listed above. Please note: ALL FOIA REQUESTS MUST BE SUBMITTED IN WRITING. Form G-639 (available at www.uscis.gov) may be used for this purpose, but is not required. Please see "How to make a FOIA or PA request" for detailed information necessary to process your request. Unfortunately, we are unable to accept FOIA or PA requests by e-mail at this time.
2. **To Request Human Resources Information:** Mail requests for this information to: Customs and Border Protection, Burlington Human Resources Office, 70 Kimball Avenue, South Burlington, Vermont 05403-6813.
3. **To Request Certifications:** Certification of Nonexistence of a Record involves an agency decision. The USCIS Office of Records Management prepares this documentation. Requests for this service should be addressed to U.S. Citizenship and Immigration Services, ATTN: Records Service Branch, 111 Massachusetts Avenue, NW, 4th Floor, Washington, D.C. 20529.
4. **To Request Customs and Border Patrol records: Effective October 1, 2007, mail all requests for non-Alien file Customs and Border Patrol records to U.S. Customs and Border Protection, 1300 Pennsylvania Ave., N.W., Attn: Mint Annex Building, FOIA Division, Washington, D.C. 20229.**

Reading Rooms:**1. Conventional Reading Room:**

The USCIS Public Reading Room is located at 111 Massachusetts Avenue, N.W. 1st Floor, Washington, D.C. 20529. The hours of operation are 9:00 a.m. to 3:00 p.m., Monday through Friday. The Reading Room is closed on Federal holidays. Please contact the Freedom of Information Office at (202) 272-8280 to make arrangements to view information in the Reading Room. At this on-site location you can review information that has been placed in binders and shelved, or you can take advantage of two computers made ready for electronic viewing of information maintained in our Electronic Reading Room.

The majority of information in our public reading room is made up of Administrative Decisions. The numerous Decisions have been indexed and categorized to assist you in navigating to your desired document.

2. Electronic Reading Room (ERR):

The ERR includes frequently requested records, opinions, policy statements, and staff manuals/instructions to staff, created after November 1, 1996.

Multitrack Processing:

USCIS uses a three-track system to process FOIA requests.

Related Links:

Administrative Decisions
 Browse electronic re...

System NoticesUSCIS Contracts

G-639, Freedom of Information Act/Privacy Act Request

Federal Register Notice: Special FOIA Processing Track Notice

Press Release - USCIS Launches New Track for Processing FOIA Requests (41KB PDF)

Fact Sheet - Freedom of Information Act (40KB PDF)

Take Our Survey:

I found this information:

- ☐ Useful
☐ Slightly Useful
☐ Not Useful
☐ Don't Know

SUBMIT →**EXHIBIT****0**

64

- Track One: Routine requests;
- Track Two: Complex inquiries that normally necessitate additional search and review time; and
- Track Three: Requests by individuals scheduled for a hearing before an immigration judge.

Track Three became effective March 30, 2007. It consists of FOIA requests of individuals who are scheduled to appear before an immigration judge. The new track allows for accelerated access to A-files requested through the FOIA process, provided an individual or the individual's representative includes at least one of the following documents with the FOIA request:

- Notice to Appear (Form I-862);
- Order to Show Cause (Form I-122);
- Notice of Referral to Immigration Judge (Form I-863); or
- A written request of continuation of a scheduled hearing before the immigration judge.

Requesters wishing to move a pending FOIA request to this new Track Three for processing must resubmit the request and comply with the above requirements.

Notice of this new track was published in the Federal Register February 28, 2007. A link to the Federal Register Notice is located under "Related Links" on this page.

FOIA Requester Service Center:

The National Records Center operates a call center to answer questions about filing a request, provide status updates of pending requests, and otherwise provide assistance in obtaining records from USCIS. The call center operates from 7:00 AM to 2:15 PM Central Time. The phone number to reach a call center representative is (816) 350-5570. You may also fax inquiries to the National Records Center at (816) 350-5785, or e-mail your questions to uscis.foia@dhs.gov.

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[Freedom of Information Act](#)

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65